EQUIFAX

Client Training HQ

Documenting an Automatic 540 Day EAD Extension in Guardian

Background

Certain noncitizen employees who timely file an Employment Authorization Document (EAD) renewal under eligible categories may receive an automatic extension of their work authorization while their applications remain pending. Automatic extensions for these categories originally provided 180 days of continued work authorization and were later increased to 540 days.

Update (October 30, 2025 Interim Final Rule)

As of October 30, 2025, the United States Citizenship and Immigration Services (USCIS) has ended the practice of automatically extending EADs for most renewal applicants. Employees who file to renew their EAD on or after October 30, 2025 will no longer receive an automatic extension. Renewal applications filed before October 30, 2025 remain eligible for a 540 day extension.

Form I-9 Guidance

To determine eligibility for an automatic extension, please read the USCIS instructions available in the Employer Handbook (M-274), Chapter 5.1.

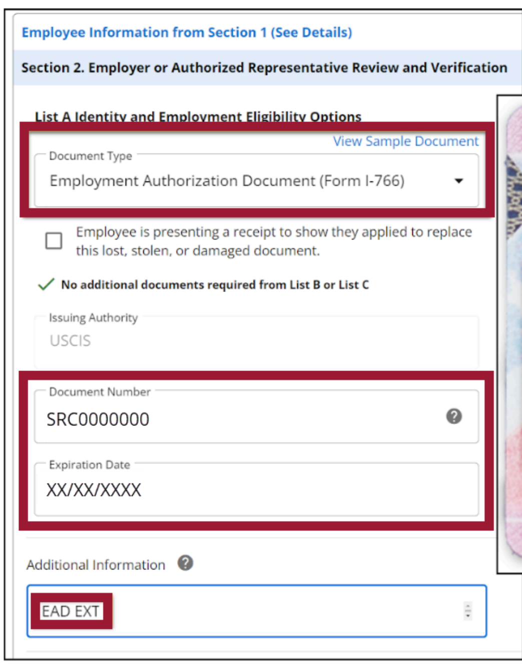
How to complete the Form I-9 in Guardian for Automatically Extended EADs

New employees presenting an expired EAD that has been automatically extended must complete Section 1 as follows:

1. Select **A Noncitizen Authorized to Work until ___________.**
2. Enter the date that is 540 days from the Card Expires date on the EAD. Employees whose status does not expire, such as refugees or asylees, should enter “N/A” as the expiration date. Employees with EAD category codes of A17, A18, or C26 should enter the earlier of the 540 day period or their I-94 expiration date.
   Example: EAD expires 12/31/2024 → 540 days = 6/24/2026 (if USCIS has not yet acted).

Section 2 or Section 3 (Supplement B) – Employer or Authorized Representative

1. Select **Employment Authorization Document (Form I-766)** as the Document Type.
2. In the **Document Number** field, enter the **Card Number** from the EAD.
3. In the **Expiration Date** field, enter 540 days from the **Card Expires** date on the EAD. Employees with EAD category codes of A17, A18, or C26 should enter the earlier of the 540 day period or their I-94 expiration date as shown on their Form I-94, Arrival/Departure record.
4. Write **EAD EXT** in the Additional Information field.
5. Upload and retain document copies if applicable for your organization.



Images are examples and for information purposes only. They may vary across platforms and are subject to change.

Existing Employees

If an EAD was recorded in Section 2 or Section 3 (Supplement B) of an existing I-9, use the Guardian Special Amendment feature (once per Section) to apply a 540 day extension for eligible employees.

EAD Temporary 540 Day Extension - Category Codes

The following employment categories are eligible for an automatic extension (renewals filed before October 30, 2025) as indicated in the Employer Handbook (M-274), Chapter 5.1.

Eligibility category listed on the Form I-765 renewal application	Description
(a)(3)	Refugee
(a)(5)	Asylee
(a)(7)	N-8 or N-9
(a)(8)	Citizen of Micronesia, Marshall Islands, or Palau
(a)(10)	Withholding of Deportation or Removal Granted
(a)(12)	Temporary Protected Status (TPS) Granted
(a)(17)	Spouse of principal E nonimmigrant with an unexpired I-94 showing E (incl. E-1S, E-2 E-3S) nonimmigrant status*
(a)(18)	Spouse of principal L-1 Nonimmigrant with an unexpired I-94 showing L-2 (including L-2S) nonimmigrant status*
(c)(8)	Asylum Application Pending
(c)(9)	Pending Adjustment of Status under Section 245 of the Act
(c)(10)	Suspension of Deportation Applicants (filed before April 1, 1997), Cancellation of Removal Applicants and the Special Rule Cancellation of Removal Applicants Under NACARA
(c)(16)	Creation of Record (Adjustment Based on Continuous Residence Since January 1, 1972)
(c)(19)	Pending initial application for TPS where USCIS determines applicant is *prima facie* eligible for TPS and can receive an EAD as a “temporary treatment benefit”.
(c)(20)	Section 210 Legalization (pending I-700)
(c)(22)	Section 245A Legalization (pending I-687)
(c)(24)	LIFE Legalization
(c)(26)	Spouses of certain H-1B principal nonimmigrants with an unexpired I-94 showing H-4 nonimmigrant status
(c)(31)	VAWA Self-Petitioners

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